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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,670	12/22/2000	Shanta M. Modak	A33432 070050.1354	1401
21003	7590 06/17/2005		EXAMINER	
BAKER & BOTTS 30 ROCKEFELLER PLAZA NEW YORK, NY 10112		AZPURU, CARLOS A		
			ART UNIT	PAPER NUMBER
			1615	
			DATE MAILED: 06/17/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after Stx (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If IN Operatiof for reply is specified above, the maximum statutory period will apply and will expire Stx (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). Status 1) Responsive to communication(s) filed on 2a) This action is FINAL. 2b) This action is non-final. 3) In since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are objected to. 8) Claim(s) is/are objected to.	-		Application No.	Applicant(s)			
Carlos A Azpuru 1615	Office Action Summary		09/746,670	MODAK ET AL.			
The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions 37 CPR 1.13(g). In an event, however, may a reply be timely filed Extensions of time may be available under the provisions 37 CPR 1.13(g). In an event, however, may a reply be timely filed Extensions of the reply appelled above is less than brilly (D) days, at reply villin the statistory minimum of thirty (30) days will be considered timely. If the period for reply appelled shows, the maximum statutory period will explain will will provide the provision of the provision of the period for reply will, by statistory period will explain and will reply in the period of this communication. Fallow priod for reply appelled the state of the provision of the provision of the period of the communication. Fallow priod for reply appelled the state of the provision of the period of the communication. Fallow priod for reply appelled to communication of the period of the communication. Fallow priod for the period of the period of the communication of the period of the communication. Provision of Claims Application of Claims Application of Claims Application (application) is a period of the provision of the period of			Examiner	Art Unit			
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DETAILED ACTION

Receipt is acknowledged for the request for continued examination filed 03/14/2005. An information disclosure statement was also filed on that date.

Information Disclosure Statement

The information disclosure statement filed 03/14/2005 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because no documentation has been presented to substantiate the allegation of public sale. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

⁽b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 1615

Claims 1-8, 10, 12, 13, 17-24 are rejected under 35 U.S.C. 102(b) based upon a public use or sale of the invention.

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An issue of public use or on sale activity has been raised in this application. In order for the examiner to properly consider patentability of the claimed invention under 35 U.S.C. 102(b), additional information regarding this issue is required as follows:

Applicant has not provided documentation to substantiate the public sale of the triple lumen catheter. Also, since applicant has admitted sale through the licensee, it assumed that a trade paper or document exists which describes the item for sale. This and any other documentation of sale should be forwarded to this office.

Applicant is reminded that failure to fully reply to this requirement for information will result in a holding of abandonment.

Solomon et al is cited for its disclosure of chlorhexidine coated medical device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos A. Azpuru whose telephone number is (571) 272-0588. The examiner can normally be reached on Tu-Fri, 6:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman K. Page can be reached on (571) 272-0602. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Carlos A. Azpuru Primary Examiner

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